

ENTERED

October 19, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

CESAR ALEJANDRO IBARRA,

Petitioner,

VS.

J.W. COX,

Respondent.

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CIVIL ACTION NO. 2:23-CV-00052

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

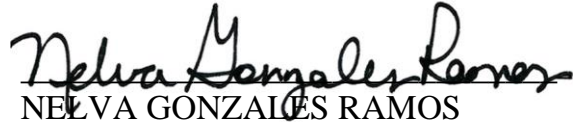
On September 14, 2023, United States Magistrate Judge Jason B. Libby issued his Memorandum and Recommendation (D.E. 13), recommending that Respondent's Motion for Summary Judgment (D.E. 12) be granted and this action be dismissed. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge's memorandum and recommendation. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge's memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's memorandum and recommendation. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's memorandum and recommendation (D.E. 13), and all other relevant

documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the motion for summary judgment (D.E. 12) is **GRANTED** and this action is **DISMISSED** as moot and/or for failure to exhaust administrative remedies.

ORDERED on October 19, 2023.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE